



## Area Plan Commission of Tippecanoe County, Indiana

April 20, 2023  
Ref. No.: 2023-079

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, Indiana 47901

### CERTIFICATION

**RE: Z-2886 TOMISH DEVELOPERS, LLC (NB to R3):**

Petitioner is requesting a rezone of ~~40.358 acres~~, (revised to 4.256 acres)  
located at the southeast corner of US 231 S and Veterans Memorial Parkway  
West (across the street from Southern Winds Apartments), Wea 7 (NW) 22-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 19, 2023, the Area Plan Commission of Tippecanoe County voted 16 yes – 0 no on the motion to rezone the subject real estate from NB to R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at its May 1, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle  
Executive Director

DH/kl

Enclosures: Staff Report & Ordinances

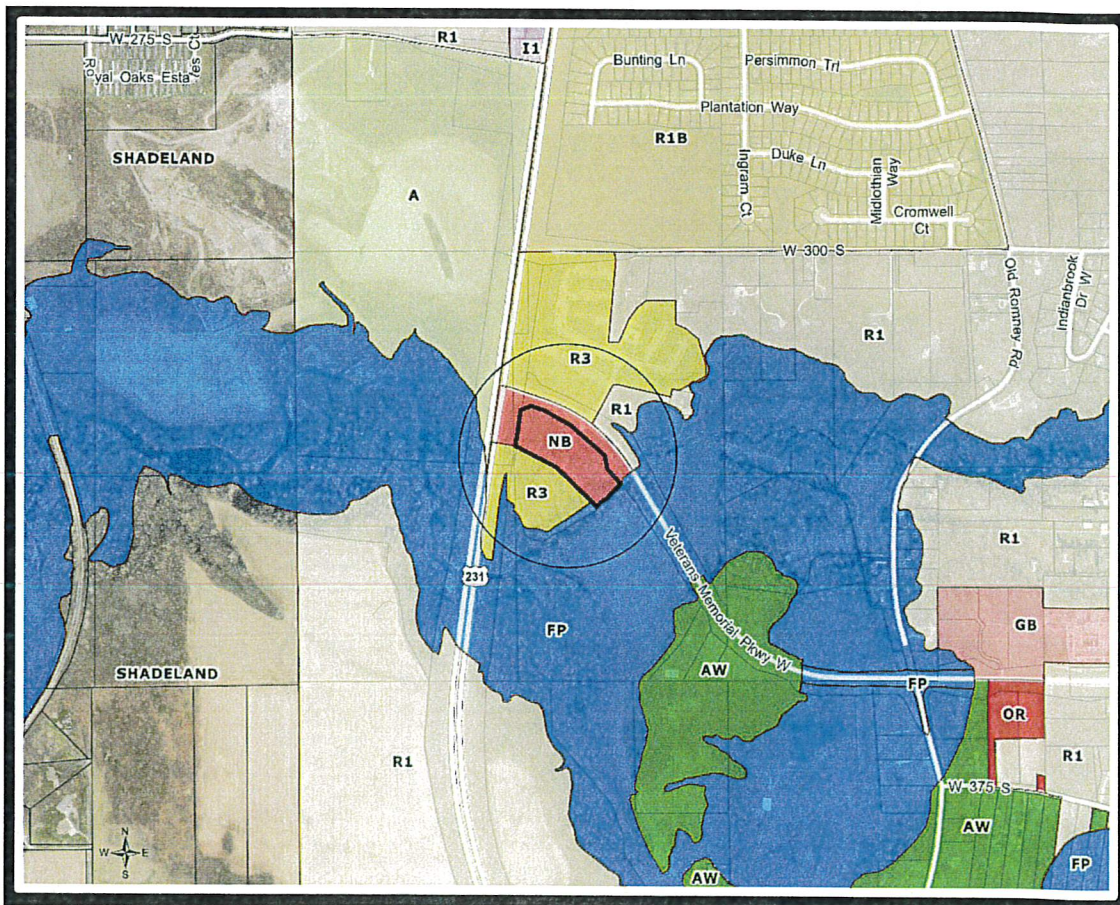
cc: Shane O'Malley, Tomish Developers, LLC  
Anthony Norfleet  
Kevin Riley, Reiling Teder & Schrier  
Mike Wolf, Building Commissioner





**Z-2886**  
**TOMISH DEVELOPERS, LLC**  
**(NB to R3)**

**STAFF REPORT**  
**April 13, 2023**





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**Z-2886**  
**TOMISH DEVELOPERS, LLC**  
**NB TO R3**

**Staff Report**  
**April 13, 2023**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with the consent of the property owner, Anthony R. Fleet, and represented by attorney Kevin Riley of Reiling, Teder, Schrier Law Firm, is requesting a rezone of 4.256 acres from NB to R3 for a proposed 144-unit market-rate apartment complex (to be combined with the adjacent R3-zoned land to the south). The property is located at the southeast corner of US Highway 231 S and Veterans Memorial Parkway, bordered to the southeast by Elliott Ditch. This site is located just outside of Lafayette city limits in Wea 7 (NW) 22-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The subject property was rezoned from AW to NB in 1998 (Z-1775). Its adjacent portion to the south was also rezoned in 1998 from AW to R3 (Z-1776). R1 and R3 zoning exist across Veterans Memorial Parkway immediately to the north. FP zoning associated with Wea Creek and Elliott Ditch predominates to the east, west, and south of the property. Directly northeast of the property is a tract of land zoned A.

**AREA LAND USE PATTERNS:**

The site is currently wooded and unimproved, as is land immediately to the west across US 231 and immediately to the south. Land to the southeast is in row-crop production, as is most of the land west across US Highway 231 S. Immediately to the north of the site lies Southern Winds Apartments, a small pond, and a lift station owned by the City of Lafayette. Single family dwellings are found further out to the northeast and east.

**TRAFFIC AND TRANSPORTATION:**

Access to the property is from Veterans Memorial Parkway via an existing driveway that is also aligned with the entrance to Southern Winds Apartments. This drive is very close to the intersection of Veterans Memorial Parkway and US Highway 231 S. Veterans Memorial is classified as a primary arterial and US 231 S is classified as a divided primary arterial, by the adopted *Thoroughfare Plan*.

There is no CityBus service at this location, but the subject property is located within CityBus' service area. The nearest bus stops can be found at 18<sup>th</sup> Street and Veterans Memorial Parkway or Old Romney Road and Twyckenham Boulevard, both one mile or more away from the subject property.

**SCHOOLS**

The subject property is located within the boundaries of the Tippecanoe School Corporation. Accordingly, children living in a future residential complex at this site would attend Mayflower Mill Elementary, Southwestern Middle School, and McCutcheon High School, respectively.



### **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

According to the Lafayette City Engineer's office, sanitary sewer and water are available to the subject property. There is a city-owned lift station located just northeast of the site.

### **STAFF COMMENTS:**

Twenty-five years ago, this area of our county was undergoing significant change: US 231 was nearing completion, CR 350 S (presently Veterans Memorial Parkway) was extended to meet the new highway, and Romney Run Subdivision, which would eventually be built out to 200+ single-family lots, was under construction.

At the same time, two rezone petitions (Z-1775 & 1776) were approved in 1998 for the site; one request was for NB, Neighborhood Business, the other R3, multi-family residential. Staff recommended approval of the previous requests, though several years later, in 2012, recommended denial of a similar request to rezone to R3 zoning (where the present-day Southern Winds Apartments are located) (Z-2499). Staff made this recommendation at that time because there simply had not been sufficient development pressure in this area to merit high-density residential.

Since that time, many changes have occurred in the area that are conducive to adding more multi-family development. The Southern Winds Apartments were built to the north of the site, sewer has been extended to the area, and development has continued unabated in this area of the county. Additionally, like much of the country, Greater Lafayette faces a shortage of housing, and potential projects located on appropriate sites, like this one, can help alleviate this issue. For these reasons, staff can support this request.

### **STAFF RECOMMENDATION:**

Approval

**ORDINANCE NO. 2023-10-CM**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE**  
**COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE**  
**FROM NB TO R3**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:**

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana

(Legal Description)

**Section 2:** The above-described real estate should be and the same is hereby rezoned from NB to R3.

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

**(Adopted And Passed) (Denied)** by the Board Of Commissioners of Tippecanoe County, Indiana, this 15<sup>th</sup> day of May, 2023.

VOTE:

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Tracy Brown  
Tracy Brown, President

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Thomas Murtaugh  
Thomas Murtaugh, Vice President

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David Byers  
David Byers, Member

ATTEST:

Jennifer Weston  
Jennifer Weston, Auditor

## LEGAL DESCRIPTION

A part of the northwest quarter of Section 7, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, described as follows:

Commencing at the northwest corner of the East half of the northwest quarter of said Section 7; thence South 00°40'20" East, along the western line of the East half of said northwest quarter, a distance of 1246.77 feet to the intersection of said western line with the eastern limited access right-of-way line of U.S. Highway 231 as per D.O.T. Highway Plans, Project F-071-2(2), dated November 29, 1994; thence North 08°17'50" East, along said eastern right-of-way line, a distance of 43.96 feet to the point of beginning of this description; thence continuing North 08°17'50" East, along said eastern right-of-way line, a distance of 224.93 feet to the southern limited access right-of-way line of County Road 350 South as described in Document Number 96-21523 in the Office of the Recorder of Tippecanoe County, Indiana; thence traversing said right-of-way line the following seven (7) courses: (1) North 68°01'40" East, 70.43 feet; (2) thence South 71°37'32" East, 97.16 feet; (3) thence South 60°55'23" East, 182.18 feet; (4) thence South 49°10'02" East, 284.03 feet; (5) thence South 10°55'35" East, 83.03 feet; (6) thence South 43°24'35" East, 82.05 feet; (7) thence South 39°15'29" East, 43.33 feet to the northwestern limit of the Flood Plain zoning district; thence traversing the northwest limit of the Flood Plain zoning district the following five (5) courses: (1) South 43°28'52" West, 71.54 feet; (2) thence South 48°12'35" West, 23.33 feet; (3) thence South 34°53'46" West, 21.00 feet; (4) thence South 57°31'21" West, 57.83 feet; (5) thence South 44°10'38" West, 34.89 feet; thence North 46°08'24" West, 351.03 feet; thence North 63°39'22" West, 288.80 feet to the point of beginning, containing 4.256 acres, more or less.

The above description is based upon record information.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD